

Serial No.: 10/549,567
Atty. Docket No.: P70821US0

REMARKS

The Office Action mailed October 12, 2006 ("the October Action"), has been carefully reviewed and, by this Amendment, Applicants have amended claims 1-14 and added claims 15-18. Claims 1-18 are pending in the application. Claims 1, 7, 12 and 14 are independent.

As an initial matter, upon reviewing the October Action, Applicants noted that the claims addressed by the Examiner did not correspond with those that are currently pending in the application. Specifically, this application is a nationalization of PCT/DK2004/000157 which was originally filed with claims 1-15. During the international phase of PCT application, amended sheets were submitted in which the original claim set was replaced with a new claim set including claims 1-14. The October Action, however, addresses original claims 1-15.

During a telephone conversation between Applicants' representative and Examiner Hand on February 14, 2007, discussing this discrepancy, Examiner Hand indicated that Applicants should respond to the October Action to the best of their ability and, in response to Applicants' Amendment, she would ensure that the next Office Action would be a non-final Office Action. Applicants appreciate the Examiner's assistance in resolving this matter

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equitably so as to give the Applicants the opportunity to fully respond.

The Examiner rejected claims 1-15 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,423,782 to Wolrich.

As set forth in each of independent claims 1, 7, 12 and 14, the present invention includes a disposable inner bag liner for use with an ostomy appliance having a receiving bag. The inner bag liner is folded along a plurality of folding lines so as to be compacted lengthwise prior to use. These folds are not sealed, however, but are configured to automatically unfold as waste material is received within the liner from the stoma, ureter or catheter. As the liner is thus unfolded by the filling process, the liner is extended lengthwise within the receiving member or bag. This is not shown or suggested by the prior art.

Wolrich discloses an inner bag liner apparatus for placement within an ostomy receiving bag. In forming the liner for placement within the receiving bag, side edge portions of the bag are folded and sealed to form tapered edges 76, 78 on the body portion 40 and tapered edges 80, 82 on the flange portion 46. The flange and body portions meet to define a narrowed portion 44. So formed, the liner is inserted within the receiving bag up to the narrowed portion 44 so that the body portion 40 is inside the

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receiving bag while the flange portion 46 remains outside the bag and the narrowed portion 44 defines the mouth opening 50, as shown in Figure 6 of Wolrich and discussed at column 6, line 64 to column 7, line 18.

In Wolrich, the folds used to produce the tapered edges 76, 78, 80 and 82 do not result in a lengthwise compaction of the liner and do not unfold as the liner is used. Instead, they produce a narrowing of the *width* of the liner for securing the liner in the receiving bag and they are welded prior to use by heat lamination (column 6, lines 27-30). Nor is there anything in Wolrich to suggest lengthwise compaction of the liner through folds that automatically unfold as waste material is received, as provided in each of claims 1, 7, 12 and 14.

For at least the foregoing reasons, claims 1, 7, 12 and 14 are patentable over the prior art. Claims 2-6, 8-11, 13 and 15-18 are also in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein.

More particularly, and as clarified in the amended claims, Wolrich does not teach or suggest folding of an inner bag liner to form a bellows that can be opened as set forth in claims 9, 10 and 18. Nor does Wolrich teach or suggest folding of a liner

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and placement of a cover on the *closed* end of the liner when compacted to maintain the compact conformation of the liner prior to use, as set forth in claims 11 and 15-17. With respect to the cover, Applicants point out that the Examiner correctly acknowledged that Wolrich does not teach that the closed end of the liner is provided with a cover. However, the Examiner's comments with respect to original claim 12 (as was examined and reported in the October Action) do not apply to the placement of a cover on the *closed* end as this end is not covered by the stoma and the adjacent skin surface. Instead, the closed end according to the present invention is inserted into the interior of the receiving bag. With this configuration, the cover holds the liner in the compacted position prior to use and then is removed, i.e., forced into the interior of the liner, by the pressure of the waste material entering the liner (see Figure 3 with cover 13 located with the waste in the collecting area of the liner). This is not at all suggested by Wolrich as Wolrich does not have a liner that is initially compacted lengthwise and then unfolded, as is claimed by the present invention.

Finally, the present invention is directed to the risk of "pancaking" which can result in blockage of the inner bag liner

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during use (see page 9, lines 6-9). This problem is neither contemplated nor addressed by Wolrich.

With this amendment and the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

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